

CRIMINAL LAW CONSOLIDATION (*DANGEROUS DRIVING*)

AMENDMENT BILL

11 May 2006

Adjourned debate on second reading.

(Continued from 2 May. Page 41.)

The Hon. D.G.E. HOOD: I rise to support the second reading. In essence, Family First, in principle at least, supports the legislation. However, I guess that a lot of what I am about to say has really been pre-empted by the Hon. Mr Lucas in that we share some of the concerns he raises with respect to the introduction of maximum penalties rather than minimum sentences, although we applaud that some effort has been made to do that in this legislation.

It is the position of Family First that in many cases within the criminal justice system currently the application of maximum sentencing is largely irrelevant, because very infrequently are those maximum penalties applied. As such, as a general rule with respect to criminal matters, we would like to see minimum as well as maximum sentences recommended for various offences. So, that would be the overriding comment prior to my highlighting a few specific events which have occurred and which I think will bring home to the chamber the significance of these issues.

I will give a few examples to highlight the point I make. A very famous high-speed car chase involving police and a couple of offenders occurred here in 2003. It involved a man and woman from Western Australia and, such was the spectacular nature of the chase, it made international headlines. The ABC news summary, published on 15 July this year, states:

A 29 year old Western Australia man, who led police on a wild and dangerous car chase through the Barossa Valley two years ago, has been gaoled by the District Court in Adelaide.

The man bashed two people to steal their cars and then rammed numerous police vehicles during the chase.

The judge chronicled the violent events of 24 July 2003. The article continues:

... he repeated the observation by one of the police officers involved in the chase that it was unbelievable that no lives were lost.

[The male offender] was high on amphetamines at the time and in breach of his Western Australian parole at the time and used cars that he stole as weapons against the police. . . His co-offender. . . threw whatever she could find in the car at police. . .as the police cars were moving. Effectively, what she was throwing became missiles travelling at very high speed as the police drove head-on into these missiles, obviously threatening their lives. The judge went on to say that many on that night thought their lives were in serious jeopardy and grave danger. As a result of all this, the male offender received a head sentence of six years, with a 4½-year non parole period, and the female offender will serve 2½ years before her release.

In the matter of R v Waugh, when sentencing the accused in a similar case, the judge stated:

On 23 May 2004, the appellant engaged in a course of conduct involving theft and the illegal use of or interference with motor vehicles. When the police moved to apprehend him, the appellant sought to elude them by driving off at high speed. This led to a protracted high-speed chase through several suburbs of Adelaide before the vehicle driven by the appellant collided with another and came to a halt. The appellant then sought to evade the police on foot.

On 3 July 2005, the AAP reported that the preceding day SA Police had, at about 10 p.m., pursued for several minutes a blue sedan in the streets of Kilburn by one police patrol, then later by another patrol in Mansfield Park. A police spokesman said:

Both of these pursuits were terminated by police due to the high speed and the reckless manner of driving.

At 10 a.m. the following day, South Australia Police pursued a stolen maroon-coloured sedan along South Road at Angle Park but were unable to stop the vehicle. I note that, in November 2005, the Police Commissioner stated that some 300 high-speed chases had occurred in the previous nine months—more than one a day. The Attorney-General in the other place referred to the same when debating this bill. On 10 May 2006, *The Advertiser* reported an incident that occurred the previous evening in Adelaide's north, just a few days ago. The article states:

Police have shot an armed man on a busy main road after a high speed pursuit through Adelaide's north yesterday. Assistant Commissioner Grant Stevens said the man fled a Salisbury East address in a white Holden sedan after police attempted to arrest him for serious offences at approximately 4 p.m. He was pursued and took evasive action to avoid police, he said. Police chased the car along Bridge Road at Para Hills. When the driver lost control and hit the median strip, the man, armed with a shotgun, got out of the car and attempted to hijack a bus filled with passengers. After failing that, he confronted an elderly couple in a grey/blue sedan smashing one of their windows before they could flee. During the chase an unmarked police car was rammed but the police officers were uninjured.

Thank goodness. Family First believes that its constituents have absolutely no tolerance for this behaviour. It might be said that often it is young people involved in these chases (as highlighted by the Hon. Mr Lucas) and that their personal circumstances warrant considerable work in rehabilitation—certainly, we would agree with that—nonetheless, the community is entitled to expect that this behaviour be punished severely as a deterrent.

Also, as a semi-related matter, I express a concern about video games, such as *Driver 2* and *Grand Theft Auto*, which are played by many young people today. Those games portray exactly the behaviour the government is legislating

against. The latter game, for instance, permits the driver to drive on the footpath, run over pedestrians and crash into other vehicles. Indeed, I am told that the strategy of the game is to get out of the vehicle before it explodes, which highlights exactly this sort of behaviour. I believe there would be great merit in conducting a study to identify any linkage between this particular offending and the playing of such video games. Examples exist in the United States of offenders telling police (or otherwise admitting) that such computer games influenced their behaviour in this regard.

I cringe to think of the innocent motorists, cyclists, pedestrians and innocent bystanders who might be a victim of this utterly reckless behaviour. It is a very serious matter. Whilst driving home one evening a number of years ago I was involved in a near miss as a result of a high-speed chase in which police were involved. I can assure members that it is a very frightening event. The more we can do as a parliament to eradicate it from our streets the better. Family First supports the second reading of the bill.